

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 DHA-02 OMB-01 AID-05 CIAE-00 DODE-00

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C O N F I D E N T I A L MANILA 12092

E O 11652: GDS

TAGS: PINT, SHUM, RP

SUBJ: AQUINO TRIAL RESUMES

REF: MANILA 11531

1. MILITARY COMMISSION NO. 2 RESUMED HEARING OF AQUINO CASE
AUGUST 11. AQUINO WAS ABSENT. TRIBUNAL DECIDED ALLOW
MILITARY DEFENSE COUNSEL (SANTOS) TO DEFEND AQUINO
DESPITE FORMER SENATOR'S REFUSAL PARTICIPATE.

2. DEFENSE COUNSEL SANTOS ATTEMPTED TO HAVE QUASHED CHARGES
FILED UNDER ANTI-SUBVERSION LAW SINCE MARCOS HAD "IMPLIEDLY"
REPEALED IT WHEN HE NORMALIZED DIPLOMATIC RELATIONS WITH PRC
AND USSR. BUT PROSECUTOR NOTED PRESIDENT RECENTLY HAD ISSUED
NEW PRESIDENTIAL DECREE OUTLAWING MEMBERSHIP IN SUBVERSIVE
ORGANIZATIONS (PD885) THUS BROADENING SCOPE OF ORIGINAL
ANTI-SUBVERSION MEASURE (REPUBLIC ACT 1700). TRIBUNAL RULED
ANTI-SUBVERSION CHARGES STILL STAND.

3. BG ROMEO GATAN (COMMANDER OF FIRST PC ZONE) WHO AS COLONEL
ARRESTED AQUINO NIGHT OF DECLARATION OF MARTIAL LAW
TESTIFIED THAT WHEN ARRESTED AQUINO HAD THREE LICENSED
FIREARMS IN HIS CAR. GATAN ALSO TESTIFIED THAT DURING
JUNE 1969 RAID, HE HAD DISCOVERED TUNNEL CONTAINING
TRUCKLOADS OF SUBVERSIVE DOCUMENTS AND EXPLOSIVES IN
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TARLAC AND THAT AQUINO WAS SOMEHOW CONNECTED WITH THIS.

4. SENATOR SALONGA TOLD EMBOFFS AT LUNCHEON AUGUST 6 THAT HE EXPECTED GOVERNMENT TO MOVE FAIRLY QUICKLY ON AQUINO CASE SINCE MARCOS WANTED TRIAL CONCLUDED PRIOR TO IMF MEETING. SALONGA THOUGHT IT POSSIBLE AQUINO MIGHT BE FOUND GUILTY ON ALL CHARGES AND SENTENCED TO DEATH. MARCOS WOULD THEN BE ABLE TO "PLAY GOD" AND COMMUTE DEATH SENTENCE TO LENGTHY TERM OF IMPRISONMENT. SALONGA DID NOT RPT NOT BELIEVE MARCOS WOULD PERMIT AQUINO TO GO INTO EXILE.

5. COMMENT: NEXT HEARING SET FOR AUGUST 16. BARRING STARTLING NEW DEVELOPMENT, IT SHOULD BE RERUN OF LAST WITH AQUINO NOT PARTICIPATING AND GOVERNMENT CONTINUING TO MAKE "AIR TIGHT" CASE IN PART BASED ON ANTI-AQUINO TESTIMONY "PERPETUATED" DURING LAST YEAR'S PROCEEDINGS.
SULLIVAN

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